

*Michelle Anne Bholat MD*  
Michelle Anne Bholat, M.D., Chair  
Panel B

1 XAVIER BECERRA  
Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **SYED AZHAR RIZVI, M.D.**

12 **389 Washington Blvd #16K**  
13 **Jersey City, NJ 07310**

14 **Physician's and Surgeon's Certificate No.**  
15 **A91583**

16 Respondent.

Case No. 800-2016-025844

OAH No. 2017030692

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
22 of California (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Xavier Becerra, Attorney General of the State of California, by Alice W. Wong,  
24 Deputy Attorney General.

25 2. On or about June 3, 2005, the Board issued Physician's and Surgeon's Certificate No.  
26 A91583 to Syed Azhar Rizvi, M.D. (Respondent). The Physician's and Surgeon's Certificate was  
27 in full force and effect at all times relevant to the charges brought in Accusation 800-2016-  
28 025844, and will expire on June 30, 2017, unless renewed.

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10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. A91583 issued to Respondent Syed Azhar Rizvi, M.D. is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1. Respondent shall participate in and successfully complete that program. Respondent shall

1 provide any information and documents that the program may deem pertinent. Respondent shall  
2 successfully complete the classroom component of the program not later than six (6) months after  
3 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
4 time specified by the program, but no later than one (1) year after attending the classroom  
5 component. The professionalism program shall be at Respondent's expense and shall be in  
6 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

7 A professionalism program taken after the acts that gave rise to the charges in the  
8 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
9 or its designee, be accepted towards the fulfillment of this condition if the program would have  
10 been approved by the Board or its designee had the program been taken after the effective date of  
11 this Decision.

12 Respondent shall submit a certification of successful completion to the Board or its  
13 designee not later than 15 calendar days after successfully completing the program or not later  
14 than 15 calendar days after the effective date of the Decision, whichever is later.

15 2. PROFESSIONAL BOUNDARIES PROGRAM. Within 60 calendar days from the  
16 effective date of this Decision, Respondent shall enroll in a professional boundaries program  
17 approved in advance by the Board or its designee. Respondent, at the program's discretion, shall  
18 undergo and complete the program's assessment of Respondent's competency, mental health  
19 and/or neuropsychological performance, and at minimum, a 24 hour program of interactive  
20 education and training in the area of boundaries, which takes into account data obtained from the  
21 assessment and from the Decision(s), Accusation(s) and any other information that the Board or  
22 its designee deems relevant. The program shall evaluate Respondent at the end of the training  
23 and the program shall provide any data from the assessment and training as well as the results of  
24 the evaluation to the Board or its designee.

25 Failure to complete the entire program not later than six (6) months after Respondent's  
26 initial enrollment shall constitute a violation of probation unless the Board or its designee agrees  
27 in writing to a later time for completion. Based on Respondent's performance in and evaluations  
28 from the assessment, education, and training, the program shall advise the Board or its designee

1 of its recommendation(s) for additional education, training, psychotherapy and other measures  
2 necessary to ensure that Respondent can practice medicine safely. Respondent shall comply with  
3 program recommendations. At the completion of the program, Respondent shall submit to a final  
4 evaluation. The program shall provide the results of the evaluation to the Board or its designee.  
5 The professional boundaries program shall be at Respondent's expense and shall be in addition to  
6 the Continuing Medical Education (CME) requirements for renewal of licensure.

7 The program has the authority to determine whether or not Respondent successfully  
8 completed the program.

9 A professional boundaries course taken after the acts that gave rise to the charges in the  
10 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
11 or its designee, be accepted towards the fulfillment of this condition if the course would have  
12 been approved by the Board or its designee had the course been taken after the effective date of  
13 this Decision.

14 If Respondent fails to complete the program within the designated time period, Respondent  
15 shall cease the practice of medicine within three (3) calendar days after being notified by the  
16 Board or its designee that Respondent failed to complete the program.

17 3. THIRD PARTY CHAPERONE. During probation, Respondent shall have a third  
18 party chaperone present while consulting, examining or treating female patients. Respondent  
19 shall, within 30 calendar days of the effective date of the Decision, submit to the Board or its  
20 designee for prior approval name(s) of persons who will act as the third party chaperone.

21 If Respondent fails to obtain approval of a third party chaperone within 60 calendar days of  
22 the effective date of this Decision, Respondent shall receive a notification from the Board or its  
23 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
24 Respondent shall cease the practice of medicine until a chaperone is approved to provide  
25 monitoring responsibility.

26 Each third party chaperone shall sign (in ink or electronically) and date each patient  
27 medical record at the time the chaperone's services are provided. Each third party chaperone  
28 shall read the Decision(s) and the Accusation(s), and fully understand the role of the third party

1 chaperone.

2 Respondent shall maintain a log of all patients seen for whom a third party chaperone is  
3 required. The log shall contain the: 1) patient initials, address and telephone number; 2) medical  
4 record number; and 3) date of service. Respondent shall keep this log in a separate file or ledger,  
5 in chronological order, shall make the log available for immediate inspection and copying on the  
6 premises at all times during business hours by the Board or its designee, and shall retain the log  
7 for the entire term of probation.

8 Respondent is prohibited from terminating employment of a Board-approved third party  
9 chaperone solely because that person provided information as required to the Board or its  
10 designee.

11 If the third party chaperone resigns or is no longer available, Respondent shall, within five  
12 (5) calendar days of such resignation or unavailability, submit to the Board or its designee, for  
13 prior approval, the name of the person(s) who will act as the third party chaperone. If Respondent  
14 fails to obtain approval of a replacement chaperone within 30 calendar days of the resignation or  
15 unavailability of the chaperone, Respondent shall receive a notification from the Board or its  
16 designee to cease the practice of medicine within three (3) calendar days after being so notified.  
17 Respondent shall cease the practice of medicine until a replacement chaperone is approved and  
18 assumes monitoring responsibility.

19 4. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
20 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
21 Chief Executive Officer at every hospital where privileges or membership are extended to  
22 Respondent, at any other facility where Respondent engages in the practice of medicine,  
23 including all physician and locum tenens registries or other similar agencies, and to the Chief  
24 Executive Officer at every insurance carrier which extends malpractice insurance coverage to  
25 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15  
26 calendar days.

27 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.  
28

1           5.    SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE  
2 NURSES. During probation, Respondent is prohibited from supervising physician assistants and  
3 advanced practice nurses.

4           6.    OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules  
5 governing the practice of medicine in California and remain in full compliance with any court  
6 ordered criminal probation, payments, and other orders.

7           7.    QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations  
8 under penalty of perjury on forms provided by the Board, stating whether there has been  
9 compliance with all the conditions of probation.

10           Respondent shall submit quarterly declarations not later than 10 calendar days after the end  
11 of the preceding quarter.

12           8.    GENERAL PROBATION REQUIREMENTS.

13           Compliance with Probation Unit

14           Respondent shall comply with the Board's probation unit.

15           Address Changes

16           Respondent shall, at all times, keep the Board informed of Respondent's business and  
17 residence addresses, email address (if available), and telephone number. Changes of such  
18 addresses shall be immediately communicated in writing to the Board or its designee. Under no  
19 circumstances shall a post office box serve as an address of record, except as allowed by Business  
20 and Professions Code section 2021(b).

21           Place of Practice

22           Respondent shall not engage in the practice of medicine in Respondent's or patient's place  
23 of residence, unless the patient resides in a skilled nursing facility or other similar licensed  
24 facility.

25           License Renewal

26           Respondent shall maintain a current and renewed California physician's and surgeon's  
27 license.  
28

1        Travel or Residence Outside California

2        Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
4 (30) calendar days.

5        In the event Respondent should leave the State of California to reside or to practice,  
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of  
7 departure and return.

8        9.    INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
9 available in person upon request for interviews either at Respondent's place of business or at the  
10 probation unit office, with or without prior notice throughout the term of probation.

11        10.   NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than  
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is  
14 defined as any period of time Respondent is not practicing medicine as defined in Business and  
15 Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month in direct  
16 patient care, clinical activity or teaching, or other activity as approved by the Board. If  
17 Respondent resides in California and is considered to be in non-practice, Respondent shall  
18 comply with all terms and conditions of probation. All time spent in an intensive training  
19 program which has been approved by the Board or its designee shall not be considered non-  
20 practice and does not relieve Respondent from complying with all the terms and conditions of  
21 probation. Practicing medicine in another state of the United States or Federal jurisdiction while  
22 on probation with the medical licensing authority of that state or jurisdiction shall not be  
23 considered non-practice. A Board-ordered suspension of practice shall not be considered as a  
24 period of non-practice.

25        In the event Respondent's period of non-practice while on probation exceeds 18 calendar  
26 months, Respondent shall successfully complete the Federation of State Medical Boards's Special  
27 Purpose Examination, or, at the Board's discretion, a clinical competence assessment program  
28 that meets the criteria of Condition 18 of the current version of the Board's "Manual of Model

1 Disciplinary Orders and Disciplinary Guidelines” prior to resuming the practice of medicine.

2 Respondent’s period of non-practice while on probation shall not exceed two (2) years.

3 Periods of non-practice will not apply to the reduction of the probationary term.

4 Periods of non-practice for a Respondent residing outside of California will relieve  
5 Respondent of the responsibility to comply with the probationary terms and conditions with the  
6 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
7 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
8 Controlled Substances; and Biological Fluid Testing.

9 11. COMPLETION OF PROBATION. Respondent shall comply with all financial  
10 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the  
11 completion of probation. Upon successful completion of probation, Respondent’s certificate shall  
12 be fully restored.

13 12. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
14 of probation is a violation of probation. If Respondent violates probation in any respect, the  
15 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
16 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
17 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
18 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
19 the matter is final.

20 13. LICENSE SURRENDER. Following the effective date of this Decision, if  
21 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
22 the terms and conditions of probation, Respondent may request to surrender his or her license.  
23 The Board reserves the right to evaluate Respondent’s request and to exercise its discretion in  
24 determining whether or not to grant the request, or to take any other action deemed appropriate  
25 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
26 shall within 15 calendar days deliver Respondent’s wallet and wall certificate to the Board or its  
27 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject  
28 to the terms and conditions of probation. If Respondent re-applies for a medical license, the

1 application shall be treated as a petition for reinstatement of a revoked certificate.

2 14. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
3 with probation monitoring each and every year of probation, as designated by the Board, which  
4 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
5 California and delivered to the Board or its designee no later than January 31 of each calendar  
6 year.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, David Rosenberg. I understand the stipulation and the effect it will  
10 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Medical Board of California.

13  
14 DATED: 5/26/17

  
\_\_\_\_\_  
SYED AZHAR RIZVI, M.D.  
Respondent

16 I have read and fully discussed with Respondent Syed Azhar Rizvi, M.D. the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
18 I approve its form and content.

19 DATED: 5/26/17

  
\_\_\_\_\_  
DAVID ROSENBERG  
Attorney for Respondent

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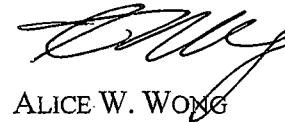
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 5/26/2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANE ZACK SIMON  
Supervising Deputy Attorney General



ALICE W. WONG  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2016-025844**

1 KATHLEEN A. KENEALY  
Acting Attorney General of California  
2 JANE ZACK SIMON  
Supervising Deputy Attorney General  
3 ALICE W. WONG  
Deputy Attorney General  
4 State Bar No. 160141  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5597  
6 Facsimile: (415) 703-5480  
E-mail: Alice.Wong@doj.ca.gov

7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2016-025844

14 **SYED AZHAR RIZVI, M.D.**  
15 389 Washington Blvd #16K  
Jersey City, NJ 07310

**A C C U S A T I O N**

16 Physician's and Surgeon's Certificate No.  
A91583,

Respondent.

17  
18 The Complainant alleges:

19 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
20 of California, Department of Consumer Affairs, and brings this Accusation solely in her official  
21 capacity.

22 2. On June 3, 2005, Physician's and Surgeon's Certificate No. A91583 was issued by the  
23 Medical Board of California to Syed Azhar Rizvi, M.D. (Respondent). The certificate is renewed  
24 and current with an expiration date of June 30, 2017.

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## JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board) under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring.

B. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

C. Section 141 of the Code provides:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a specific statutory provision in the licensing act administered by that board that provides for discipline based upon a disciplinary action taken against the licensee by another state, an agency of the federal government, or another country."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Discipline, Restriction, or Limitation Imposed by Another State)

3 4. On or about July 18, 2016, the New York State Board for Professional Medical  
4 Conduct issued a Statement of Charges, alleging that Respondent failed to adequately disclose on  
5 an employment application and on an application for hospital staff privileges a pending  
6 disciplinary action against Respondent's foreign medical license. On July 21, 2016, the New  
7 York State Board for Professional Medical Conduct issued a Consent Order adopting a Consent  
8 Agreement between Respondent and the New York State Board for Professional Medical  
9 Conduct. Under the terms of the Consent Order and Consent Agreement, Respondent was  
10 reprimanded and a civil penalty imposed. Respondent was placed on probation for three years,  
11 with terms and conditions including: register and continue to be registered with the New York  
12 State Education Department; comply with all reporting requirements to develop and maintain a  
13 public physician profile; provide to the Office of Professional Medical Conduct (OPMC) a full  
14 description of Respondent's employment and practice, contact information, and all arrests,  
15 charges, convictions or disciplinary actions by any local, state or federal agency; and cooperate  
16 fully with OPMC requests for written periodic verification of compliance with the Consent Order.

17 A copy of the Consent Order and Consent Agreement issued by the New York State Board  
18 for Professional Medical Conduct is attached as Exhibit A.

19 5. Respondent's conduct and the action of the New York State Board for Professional  
20 Medical Conduct as set forth in paragraph 4, above, constitutes cause for discipline pursuant to  
21 sections 2305 and/or 141 of the Code.

22  
23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board issue a decision:

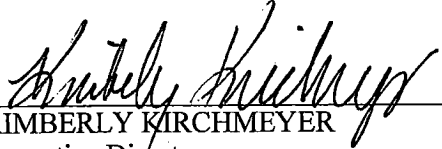
26 1. Revoking or suspending Physician's and Surgeon's Certificate Number A91583,  
27 issued to Respondent Syed Azhar Rizvi, M.D.;  
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1           2.     Revoking, suspending or denying approval of Respondent's authority to supervise  
2 physician assistants;

3           3.     Ordering Respondent, if placed on probation, to pay the costs of probation  
4 monitoring; and

5           4.     Taking such other and further action as the Board deems necessary and proper.  
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7  
8 DATED:     January 19, 2017.

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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EXHIBIT A

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
SYED AZHAR RIZVI, M.D.

BPMC No. 16-257  
CONSENT  
ORDER

Upon the application of (Respondent) SYED AZHAR RIZVI, M.D. in the attached  
Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and

It is further

ORDERED, that this Consent Order shall be effective upon issuance by the Board,  
either

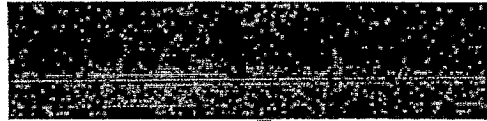
by mailing of a copy of this Consent Order, either by first class mail to Respondent at  
the address in the attached Consent Agreement or by certified mail to Respondent's  
attorney, OR

upon facsimile transmission to Respondent or Respondent's attorney,

whichever is first.

SO ORDERED.

DATE: 7/21/2016



ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
SYED AZHAR RIZVI, M.D.

CONSENT  
AGREEMENT

SYED AZHAR RIZVI, M.D., represents that all of the following statements are true:

That on or about May 24, 2005, I was licensed to practice as a physician in the State of New York, and issued License No. 238256 by the New York State Education Department.

My current address is [REDACTED], and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", attached to and part of this Consent Agreement.

I do not contest the first specification, in full satisfaction of the charges against me, and agree to the following penalty:

Pursuant to N.Y. Pub. Health Law § 230-a(1), I shall be subject to a Censure and Reprimand.

Pursuant to N.Y. Pub. Health Law § 230-a(9), I shall be placed on probation for a period of 3 years, subject to the terms set forth in attached Exhibit "B."

Pursuant to N.Y. Pub. Health Law §§ 230-a(7) and (9), I shall be subject to a fine in the amount of \$5,000.00, to be paid in full within 30 days of the effective date of this Order. Payments must be submitted to:

Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 2784  
Empire State Plaza  
Albany, New York 12237

In making such payment, Respondent shall indicate the order number of this Order both on the payment check submitted and on the cover letter accompanying payment. Additionally, Respondent shall simultaneously mail a photocopy of the check and cover letter to:

Physician Monitoring Program  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway, Suite 355  
Albany, New York 12204-2719.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall comply with each and every penalty imposed by this Order pursuant to N.Y. Pub. Health Law § 230-a; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 120 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall remain in continuous compliance with all requirements of N.Y. Pub. Health Law § 2995-a(4) and 10 NYCRR 1000.5, including but not limited to the requirements that a licensee shall: report to the department all information required by the Department to develop a public physician profile for the licensee; continue to notify the department of any change in profile information within 30 days of any change (or in the case of optional information, within 365 days of such change); and, in addition to such periodic reports and notification of any changes, update his

or her profile information within six months prior to the expiration date of the licensee's registration period. Licensee shall submit changes to his or her physician profile information either electronically using the department's secure web site or on forms prescribed by the department, and licensee shall attest to the truthfulness, completeness and correctness of any changes licensee submits to the department. This condition shall take effect 30 days after the Order's effective date and shall continue so long as Respondent remains a licensee in New York State. Respondent's failure to comply with this condition, if proven and found at a hearing pursuant to N.Y. Pub. Health Law § 230, shall constitute professional misconduct as defined in N.Y. Educ. Law § 6530(21) and N.Y. Educ. Law § 8530(29). Potential penalties for failure to comply with this condition may include all penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, including but not limited to: revocation or suspension of license, Censure and Reprimand, probation, public service and/or fines of up to \$10,000 per specification of misconduct found; and

That Respondent shall provide the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719, with the following information, in writing, and ensure that this information is kept current: a full description of Respondent's employment and practice; all professional and residential addresses and

telephone numbers within and outside New York State; and all investigations, arrests, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility. Respondent shall notify OPMC, in writing, within 30 days of any additions to or changes in the required information. This condition shall take effect 30 days after the Order's effective date and shall continue at all times until Respondent receives written notification from the Office of Professional Medical Conduct, Physician Monitoring Program, that OPMC has determined that Respondent has fully complied with and satisfied the requirements of the Order, regardless of tolling; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order.

Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website. OPMC shall report this action to the National Practitioner Data Bank and the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

7/12/2016


  
SYED AZHAR RIZVI, M.D.  
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

7/12/16  
ANDREW M. KNOLL, MD, JD  
Attorney for Respondent

DATE:

7/14/16  
TIMOTHY J. MAHAR  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE:

7/18/16  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

EXHIBIT A  
STATEMENT  
OF  
CHARGES

IN THE MATTER  
OF  
SYED AZHAR RIZVI, M.D.

Syed Azhar Rizvi, M.D., the Respondent, was authorized to practice medicine in New York State on or about May 24, 2005, by the issuance of license number 238256 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent failed to adequately disclose on an employment application and on an application for hospital staff privileges a pending disciplinary action against Respondent's foreign medical license.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

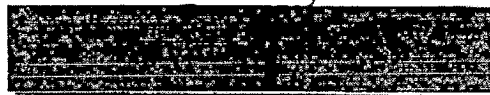
FILING A FALSE REPORT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(21) by willfully making or filing a false report, as alleged

In the facts of:

1. The facts in paragraph A.

DATE: July/8, 2016  
Albany, New York



MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

## EXHIBIT "B"

### **Terms of Probation**

- 1) Respondent's conduct shall conform to moral and professional standards of conduct and governing law. Any act of professional misconduct by Respondent as defined by N.Y. Educ. Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to N.Y. Pub. Health Law § 230(19).
- 2) Respondent shall cooperate fully with, and respond in a timely manner to, OPMC requests to provide written periodic verification of Respondent's compliance with the terms of this Consent Order. Upon the Director of OPMC's request, Respondent shall meet in person with the Director's designee.
- 3) Respondent's failure to pay any monetary penalty by the prescribed date shall subject Respondent to all provisions of law relating to debt collection by New York State, including but not limited to: the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law § 171(27); State Finance Law § 18; CPLR § 5001; Executive Law § 32].
- 4) The probation period shall toll when Respondent is not engaged in active medical practice in New York State for a period of 30 consecutive days or more. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive 30 day period. Respondent shall then notify the Director again at least 14 days before returning to active practice. Upon Respondent's return to active practice in New York State, the probation period shall resume and Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose as reasonably relate to the matters set forth in Exhibit "A" or as are necessary to protect the public health.
- 5) The Director of OPMC may review Respondent's professional performance. This review may include but shall not be limited to: a review of office records, patient records, hospital charts, and/or electronic records; and interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
- 6) Respondent shall adhere to federal and state guidelines and professional standards of care with respect to infection control practices. Respondent shall ensure education, training and oversight of all office personnel involved in medical care, with respect to these practices.

- 7) Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients and contain all information required by State rules and regulations concerning controlled substances.
- 8) Respondent shall enroll in and successfully complete a continuing education program in an area to be determined by the Director of OPMC and shall be successfully completed within the first 90 days of the probation period.

#### CHAPERONE

- 9) Respondent shall, in the course of practicing medicine in New York State, examine and/or treat any female patient only in the presence of a chaperone. The chaperone shall be a licensed or registered health care professional or other health care worker, shall not be a family member, personal friend, or be in a professional relationship with Respondent which could pose a conflict with the chaperone's responsibilities. The chaperone shall be proposed by Respondent and subject to the written approval of the Director of OPMC.
- 10) Prior to the approval of any individual as chaperone, Respondent shall cause the proposed chaperone to execute and submit to the Director of OPMC an acknowledgment of the chaperone's agreement to undertake all of the responsibilities of the role of chaperone. Said acknowledgment shall be made upon a form provided by and acceptable to the Director. Respondent shall provide the chaperone with a copy of the Order and all of its attachments and shall, without fail, cause the approved chaperone to:
  - a) Report quarterly to OPMC regarding the chaperoning of Respondent's practice.
  - b) Report within 24 hours any failure of Respondent to comply with the Order, including, but not limited to, any failure by Respondent to have the chaperone present when required, or any inappropriate conduct, whether verbal or physical, by Respondent in the presence of any patient.
  - c) Confirm the chaperone's presence at each and every examination and treatment of a female patient by Respondent, by placing the chaperone's name, title and date in the patient record for each and every visit, and by maintaining a separate log, kept in the chaperone's own possession and signed by the chaperone, listing the patient name and date of visit for each and every patient visit chaperoned.
  - d) Provide copies of the log described in paragraph c, above, to OPMC at least quarterly and also immediately upon the Director's request.

- 11) Respondent shall comply with this Consent Order and all its terms, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with, or a violation of, these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding, and/or any other such proceeding authorized by law, against Respondent.